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\*E-Filed 4/26/05\*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

DIRECTV, INC., a California corporation,  
  
 Plaintiff,  
  
 vs.  
  
 THAI VAN,  
  
 Defendant.

Case No. CV-04-3603 HRL

Hon. Howard R. Lloyd

**REQUEST FOR VOLUNTARY DISMISSAL  
 OF DEFENDANT THAI VAN; [PROPOSED]  
 ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV")  
 hereby respectfully requests that the Court enter an Order dismissing the above-captioned action  
 with prejudice as to Defendant THAI VAN ("Defendant"). This request is made on the grounds  
 that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to  
 the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against  
 Defendant, each party to bear its own attorneys' fees and costs incurred in this action to date.

Defendant answered the Complaint on or about December 7, 2004. DIRECTV,  
 therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court  
 order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an  
 order dismissing Defendant with prejudice.

Defendant THAI VAN is the last remaining active Defendant in this action. This

entire action as to all remaining claims is therefore terminated in full.

DATED: April 26, 2005

Respectfully Submitted,

BUCHALTER, NEMER, FIELDS & YOUNGER  
A Professional Corporation

By: s/Sandeep J. Shah  
Sandeep J. Shah  
Attorneys for Plaintiff DIRECTV, Inc.

**ORDER**

Having read the foregoing Request for Voluntary Dismissal of Defendant VAN filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed with prejudice as against Defendant VAN;
2. Each party shall bear its own attorney's fees and costs incurred in this action to date; and
3. As Defendant VAN is the last remaining active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: 4/26/05

/s/ Howard R. Lloyd  
Honorable Howard R. Lloyd  
Judge of the United States District Court  
Northern District of California